

Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2977 or
(406) 841-2976

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-18-084
)	
Plaintiff,)	Hill County District Court
)	Montana Twelfth Judicial District
)	
-vs-)	DECISION
)	
THEODORE EDWARD BEAR,)	
Defendant.)	

On June 10, 2019, the Defendant was sentenced for Count I: Driving Under the Influence of Alcohol or Drugs, 4th or Subsequent Offense, to the Department of Corrections for two (2) years, for placement in an appropriate correctional facility or program, and a subsequent consecutive placement to the Department of Corrections for five (5) years, all suspended. The Court recommended the Connections Corrections program. The Defendant was ordered to pay a \$5000 fine with credit for time served toward the fine at \$70 per day for 50 days served.

On November 7, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Dawson County Correctional Facility and was represented by Abigail Rogers, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7th day of November, 2019.

DATED this 11th day of December, 2019.


SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson




Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13th day
of December, 2019, to:

Clerk of District Court (Original)
Theodore Edward Bear #2140707, Defendant (2)
Hon. Kaydee Snipes Ruiz
Abigail Rogers, Defense Counsel
Hill County Attorney
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division